

Page 1
RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JAN 22 2019

FILED _____
DOCKETED _____
DATE _____ INITIAL _____

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Wanda E. Smith-Jeter
Appellant,

9th Cir. Case No. 18-35987

Originating Court Case No. 2:17-cv-01857-JPD

Artspace ^{vs.} Everett Lofts
CONDOMINIUM ASSOCIATION
AND QUANTUM MANAGEMENT SERVICES, INC.
Appellee(s).

APPELLANT'S INFORMAL BRIEF
(attach additional sheets as necessary)

1. Jurisdiction

a. Timeliness of Appeal:

- (i) Date of entry of judgment or order
of originating court: November 19, 2018
- (ii) Date of service of any motion made after judgment (other than
for fees and costs): N/A
- (iii) Date of entry of order deciding motion: N/A
- (iv) Date notice of appeal filed: November 19, 2018
- (v) For prisoners, date you gave notice of appeal to prison
authorities: N/A

9th Cir. Case No. 18-35987Page 2
(original)

2. What are the facts of your case?

On December 7, 2017, I, WANDA E. Smith-Jeter, the Appellant (prose) in this case, filed a lawsuit for Retaliation under the Fair Housing Act in the United States District Court for Western Washington at Seattle. That lawsuit was the result of acts of retaliation against my husband and I, that we have suffered, for having filed a previous lawsuit against one of the defendants in this lawsuit (Artspace Everett Lofts Condominium Association or "A.E.L.C.A."), which was then still pending in the 9th Circuit Court of Appeals (case #2:14-cv-01584-JPD and 9th Cir. Docket No. 16-35196).

My husband and I are 67 (sixty-seven) and 64 (sixty-four) years old respectively and disabled. We are African-Americans. Both defendants in this case are of another race. The parties responsible for these acts of retaliation, our landlords Heidi Heimarek and Liam Cole are white, but an additional involved party in one of the incidents - a tenant, Ammah (Linda) Wilson is African-American. In light of the fact that this same individual (Ammah), has repeatedly harassed us in the past, any reasonable individual would find my claim of retaliation reasonable. Apartment managers Heidi Heimarek and Liam Cole; the two named responsible parties in the original lawsuit (case #2:14-cv-01584-JPD and 9th Cir. Docket No. 16-35196) are the same two named responsible parties in this retaliation case - they are both employed by Quantum Management Services, Inc., who was hired by A.E.L.C.A. to manage the property on which we live.

Both defendants have agreed that the incident of retaliation that involved having the "hate speech", "DIE NIGGER DIE" posted for several weeks, near our mailbox in the apartment lobby where we live, was in violation of the Fair Housing Act. (see exhibit "A", attached.) (see also exhibits "B" and "C").

9th Cir. Case No. 18-35987

Page 2

Another involved party in a second incident of retaliation, along with our landlords Heidi Heimarck and Liam Cole, Judy Touhy, Executive Director of the Schack Arts Center, is also White.

Although Judy Touhy was involved in harassing and intimidating my husband and I during her campaign for Mayor of the City of Everett, WA, which she lost by a very close margin; Liam Cole and Heidi Heimarck initiated the retaliatory acts of coercion, intimidation and fear of losing our housing by writing us an e-mail detailing what Liam and Judy had discussed regarding having me take a picture with her to be used for her campaign purposes. If my positive reputation with individuals within the Everett, Washington community was not worth some votes for her candidacy for Mayor of that city, I do not believe Judy Touhy would have sought me out to have a picture taken with her for use in her campaign. (see exhibits "I" and "J" attached)

However, even though my husband and I have lived in the same neighborhood in Everett since 1999 (except for Feb. 2009 - May 2012), Judy Touhy had never talked to us, prior to her campaign. Judy Touhy had many other means of reaching me besides contacting our landlord; such as seeing me in the parking lot, which we share, as she spoke to both me and my husband almost daily during her campaign; or looking at the address roster posted near the mailbox in the lobby of the building which "The Schack Art Center" shares with "Artspace Everett Lofts"; or even accessing the volunteer roster through Everett's City Hall, where she has been serving on the Everett, WA City Council for several years (see exhb. "D"). I believe that after Liam Cole or Heidi Heimarck explained the management policy against releasing tenant information, to Judy Touhy, that should have ended the inquiry. I believe that the sole purpose of the retaliatory e-mail, sent to us by Liam Cole was a veiled threat to harass, coerce, intimidate, alarm and frighten us; and it did. It served no other purpose, and

9th Cir. Case No. 18-35987

Page 4

I believe that any reasonable individual, (in light of our past and present relationships) would find my claim of retaliation reasonable. Apartment managers Heidi Heimarch and Liam Cole; the two named responsible parties in the original lawsuit (case #2:14-cv-01584-JPD and 9th Cir. Docket No. 16-35196), are the same two named responsible parties in this retaliation case. They are both employed by Quantum Management Services, Inc., who was hired by A.E.L.C.A., to manage the property on which we live.

I believe that I provided the court with sufficient evidence to prove a prima facie case for retaliation under the Fair Housing Act.

However, for the reasons they allege, the defendants failed to answer the "Second Amended Complaint", by the due date; even after having requested and having been given more time in which to answer, by July 23, 2018.

Then the Plaintiff (pro se) filed a motion for default judgment. However, the case was allowed to proceed, after a conference hearing. The defendants finally filed an answer to the "Second Amended Complaint", on September 20, 2018.

The plaintiff's motion for default judgment had been filed on September 18, 2018; a full (2) month's after defendant's notice of appearance had been filed on July 19, 2018. The defendants then filed a "motion for Summary Judgment," which was decided in their favor on November 19, 2018.

9th Cir. Case No. 18-35987

Page 5

3. What did you ask the originating court to do (for example, award damages, give injunctive relief, etc.)?

I asked the originating court to consider granting my original demand of six million dollars (\$6,000,000.00) or in the alternative, aide me in reaching a reasonable alternative settlement in this lawsuit.

4. State the claim or claims you raised at the originating court.

I filed that lawsuit, in the originating court for Housing Discrimination based on bias because of my race and retaliation for having filed a prior complaint. I believed that federal laws had been violated, in this case. As a then 63 year old plaintiff (pro se); my then 65 yr. old husband, Jesse James Jeter and I, who are both disabled, were the only African-American couple who had resided in the 40-unit apartment building named "Artspace Everett Lofts", in Everett, WA; since we moved-in on June 11, 2012.

I am a violinist; Jesse is a sculptor and painter and is a witness to all claims made in this lawsuit.

1) Since we moved-in, on June 11, 2012, I believe that our resident managers, Heidi Heimarck and Liam Cole have repeatedly conspired with others, to stalk and harass us, as well as committed acts of bias against us.

2) Between 2012-2014, our vehicle was repeatedly vandalized; sometimes more than once daily, while it was parked in a locked garage beneath the building (that we live in). I therefore believe that some of the tenants may

9th Cir. Case No. 18-35987

Page 6

4. (cont'd)

have been involved. Again, in October, 2017, three (3) of the tires on our vehicle were flattened by punctures, though we now park outside.

[See Exhibit "A-B", attached].

3) During that same time period (October 2017), we noticed what was a boarded piece of artwork that was hanging a few feet from our mailboxes in the Artspace Everett Lofts lobby entrance [See Exhibit "C", attached].

Initially, the piece did not have an artist NAME nor title; just as it is photographed.

Approximately a week later, the title and artist name appeared beside the piece as "DIE NIGGER DIE" by Ammah Wilson. Beneath the title was a very wordy and to me, disturbing poem. Although the defendants contend that the artist intended no harm, I have reasons to believe that it was a veiled threat.

The sheer volume of such incidences over the past five and one half (5½) years has convinced me that these were hate crimes committed against me and my husband, Jesse, because of our race. The harassment, bias and discrimination has been continuous, not limited to the incidences mentioned and are collectively evident that the ongoing acts of retaliation have denied us the peaceful enjoyment of our home and as well, has caused us much alarm and anguish.

Jesse has been diagnosed with cancer and I believe that the constant stress of such living conditions are a contributing factor in that diagnosis.

We both have suffered deteriorated health as a result of these

4. (cont'd)

circumstances. I was forced to drop out of college, even though I was an "A" student.

I pray that the court will consider granting my demand, or in the alternative aide me in reaching a reasonable alternative settlement in this lawsuit.

5. What issues are you raising on appeal? What do you think the originating court did wrong?

A.) The issues being raised on appeal by the Appellant, are:

I. The issue of whether the defendants are guilty of the crime of "Retaliation" under the Fair Housing Act. (Appellees)

II. Whether the Appellant (Pro se) in this case did successfully present a Prima facie case for "Retaliation", under the Fair Housing Act.

III. Whether the Appellant (Pro se)'s request for Default Judgment should have been granted.

IV. Whether the Appellee's Motion for Summary Judgment, should have been granted.

B.) What I think the originating court did wrong was to rely on (2) contradictory statements of Cino Huang (see attached document #55; exhibit (4) and document #61), in making it's decision to grant a motion for summary judgment,

5. (cont'd)

in this case. I also believe that the court overlooked the fact that the Appellant (Pro se), had already established a relationship between Judy Touhy and Artspace, in her "amended complaint" [see attached Exhibit "R"; page 2, item # "I."]

Also, lacking enough consideration given, were the declarations of Jesse James Jeter and Wanda E. Smith-Jeter; in the opinion of this Appellant (Pro se).

6. Did you present all issues listed in #5 to the originating court? If not, why not?

Yes, I presented all issues listed in #5 to the originating court, to the best of my abilities.

7. What law supports these issues on appeal? (You may, but need not, refer to cases and statutes.

- Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988.

- FRCP 55 and Local Civil Rule 55:

Entry of Default- A party is in default when it fails to respond to a summons and complaint served on the party, in the time required by law. If a party is in default, the plaintiff can

7. (cont'd)

request that the default be entered into the Court record by the Clerk, which gives the plaintiff the opportunity to request a default.

*(This was done by the plaintiff, in this case.)

Entry of Default - (followed by):

Default Judgment - After the clerk's office enters a default against a party, Plaintiff may file a motion for default judgement. Default judgment is a judgment awarding the plaintiff the relief sought in the complaint, because the defendant has failed to appear in court, or otherwise respond to the complaint.

*(This was done by the Plaintiff in this case.)

8. Do you have any other cases pending in this court? If so, give the Name and docket number of each case.

No, I do not have any other cases pending in this court.

9. Have you filed any previous cases which have been decided by this court? If so, give the name and docket number of each case.

Yes, I have filed a previous case which was decided by this Court.

[Docket No. 16-35196] - "Wanda E. Smith-Jeter, Appellant/Plaintiff (Pro se)

v. Artspace Everett Lofts Condominium Association, Appellee/Defendant.

10. N/A

9th Cir. Case No. 18-35987

Page 10

Wanda E. Smith-Jeter
NAME

Wanda E. Smith-Jeter
Signature

P.O. Box 102

Everett, WA 98206
Address

January 17, 2018
DATE

"Statement of what I want this court to do"

I, Appellant Wanda E. Smith-Jeter, do hereby pray that this court will review this case in its entirety, to see if there are any constitutional, legal, or factual mistakes and conclude that the decision of the originating court should be reversed.

I also believe that I am also entitled by law, to Default Judgment.

I pray that this court will consider granting my demand of six million dollars (\$6,000,000.00), or in the alternative, aide me in reaching a reasonable alternative settlement in this lawsuit.

Wanda E. Smith-Jeter
WANDA E. Smith-Jeter

Everett, WA
January 17, 2018

P.O. Box 102
Everett, WA 98206
Ph. #206-573-1058

CERTIFICATE OF SERVICE

Case Name: WANDA E. Smith-Jeter v. Artspace Everett Lofts CONDOMINIUM Association AND Quantum Management Services, INC.
 9th Cir. Case No.: 18-35987

IMPORTANT: You must send a copy of ALL documents filed with the Court and any attachments to counsel for ALL parties in this case. You must attach a copy of the certificate of service to each of the copies and the original you file with the Court. Please fill in the title of the document you are filing. Please list the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below.

I certify that a copy of the APPELLANT'S INFORMAL BRIEF
 (title of document you are filing)
 and any attachments was served, either in person or by mail, on the persons listed below.

Wanda E. Smith-Jeter
 Signature
 Notary NOT required

<u>Name</u>	<u>Address</u>	<u>Date Served</u>
Office of the Clerk	P.O. Box 193939	January 17, 2018
James R. Browning Courthouse	SAN FRANCISCO, CA	
U.S. Court of Appeals	94119-3939	

R

William W. Spencer	200 West Thomas, Ste. 350	
Jennifer P. Murray	POST OFFICE Box 9844	
Murray Dunham & Murray	Seattle, WA 98109-844	
200 West Thomas, Ste. 350		January 17, 2018
Post Office Box 9844		
Seattle, WA 98109-844		

Form 13. Initial Streamlined Request for Extension of Time to File Brief

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

NOTE: This form is for use solely by parties who are not registered for CM/ECF. If you are registered for CM/ECF, do not use this form. Instead, log onto CM/ECF to make your request using the event "File a Streamlined Request to Extend Time to File Brief."

NOTE: You may use this form only if you have not yet received any extension of time to file the brief. If you have already received an extension of time, any request for more time must be made in writing pursuant to Ninth Circuit Rule 31-2.2 (b).

9th Circuit Case Number(s):

9th Circuit Case Name(s):

Name of party/parties requesting extension:

For what type of brief are you requesting an extension?

- | | |
|--|--|
| <input type="checkbox"/> Opening brief | <input type="checkbox"/> Opening brief on cross-appeal |
| <input type="checkbox"/> Answering brief | <input type="checkbox"/> Answering/opening brief on cross-appeal |
| <input type="checkbox"/> Reply brief | <input type="checkbox"/> Reply/answering brief on cross-appeal |
| | <input type="checkbox"/> Cross-appeal reply brief |

What is your current due date?

You may request a new due date **up to 30 days** from your current due date.

What is your new requested due date?

Print Name:

Signature:

Date:

Mail this form on or before your brief's current due date to the Court at:

Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

The Clerk will inform you of the new briefing schedule

18-35987

Page 12

9th Cir Case No. 18-35987

Today at 6:24 PM

Cindy Huang

To: Jesse James Jeter Cc: julie.alexander@artspace.org

RE: Racist hate crime art and message (DIE NIGGER DIE), hanging near our mailbox(#310) pics included. / FYI- 3 Tires punctured also, a few days earlier. A police report is available.

New contact info found in this email: Cindy Huang huangc@quantumms.com

Hi Jesse,

Thank you for this information.

You've done the right thing by filing a police report and getting your insurance involved. If you would prefer to park your car in the garage, please request that with site management.

We have had incidents in the past with theft and vandalism in the garage and management is not liable for damage or vandalism of vehicles parked in the garage and in the back alley spaces. It is for this reason that we encourage everyone to carry appropriate insurance.

In response to your concern over the artwork in the lobby, we reached out to the artist and have requested that the artwork be removed. Quantum and Artspace are committed to non-discrimination and consider this piece of artwork to be out of compliance with Federal Fair Housing Act.

If you have further concerns about either of these incidents, please let us know so we can follow-up.

Thank you,

Cindy Huang, Portfolio Manager
Quantum Management Services, Inc.

3810 196th Street SW, Suite 10

PO Box 2170, Lynnwood, WA 98036

(W) 425-776-1294 ext. 109 (F) 425-776-1073

huangc@quantumms.com

QUANTUM

Management Services, Inc.

www.Quantumms.com

This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was addressed. Any use by others is strictly prohibited. If you receive this message in error, please reply to this e-mail with the subject title "Return to Sender" and delete the e-mail.

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JAN 22 2019

FILED
DOCKETED

DATE

INITIAL

From: Jesse James Jeter [mailto:jessejamesjeter@yahoo.com]
Sent: Friday, November 03, 2017 2:10 AM

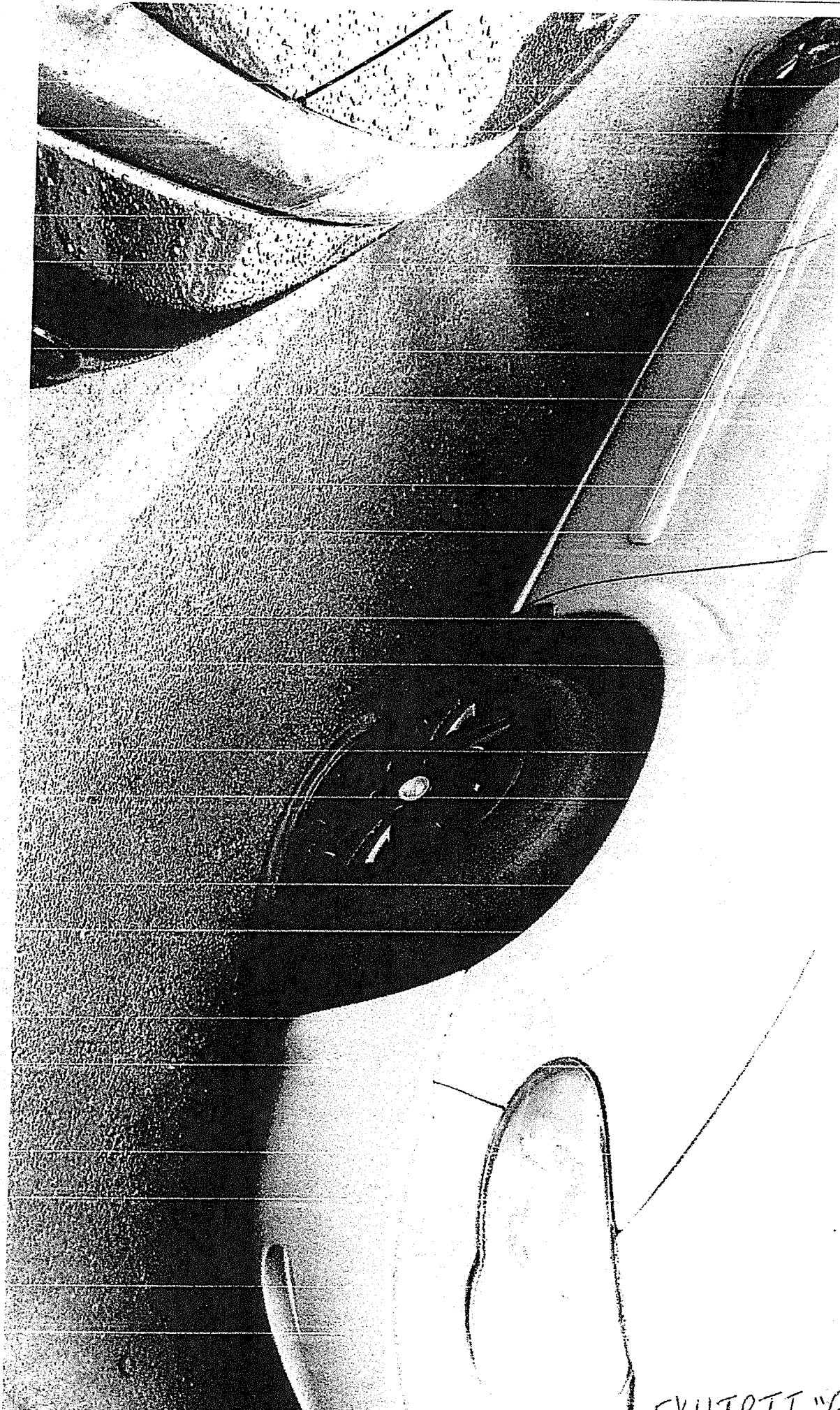
To: Cindy Huang <huangc@quantumms.com>

Cc: julie.alexander@artspace.org

Subject: Re: Racist hate crime art and message (DIE NIGGER DIE), hanging near our mailbox(#310) pics included. /FYI- 3 Tires punctured also, a few days earlier. A police report is available.



EXHIBIT "A"



Page 13

qth Cir.

Case No.

18-35987

CVII RTT "D",

Page 14
9th Cir. Case No. 18-35987



Cindy Huang

To: Jesse James Jeter Cc: julie.alexander@artspace.org

Re: Racist hate crime art and message (DIE NIGGER DIE), hanging near our mailbox(#310) pics included.

New contact info found in this email: Cindy Huang huangc@quantumms.com

Hi Jesse,

Thank you for your e-mail.

We have begun an investigation and need more time before we can give you a formal response.

The artist of the piece you are referring to is an African-American and has not intended for their work to be hate speech nor is it targeted at anyone.

I will be in touch soon with a formal response.

Thank you,

Cindy Huang, Portfolio Manager
 Quantum Management Services, Inc.
 3810 156th Street SW, Suite 10
 PO Box 2170, Lynnwood, WA 98038
 (W) 425-776-1284 ext. 109 (F) 425-776-1073
 huangc@quantumms.com



www.Quantumms.com

This message may contain confidential and/or proprietary information and is intended for the person/entirety to whom it was addressed. Any use by others is strictly prohibited. If you receive this message in error, please reply to this e-mail with the subject title "Return to Sender" and delete the e-mail.

See More from Jesse James Jeter



The art piece depicted the back-side of a human head with a "bloody bullet-hole" in it, with "wooly" black hair. Next to it, on the same board, was the front facial head of a dark-skinned person with an apparent "bullet-hole" through one eye with red apparent "blood-splattered brain matter." Titled "DIE NIGGER DIE". Although the defendant stated that the artwork "has been removed," weeks later it still appeared prominently on an Artspace Everett Lofts web page.

Jesse James Jeter

To: Cindy Huang Cc: julie.alexander@artspace.org

Racist hate crime art and message (DIE NIGGER DIE), hanging near our mailbox(#310) pics included

October 31, 2017 at 6:29 PM

Sent - Yahoo!

Yesterday at 6:12 PM

add... ⊗

9th Cir. Case No.
18-35987

Page 15

Franklin, by 1.2 percent

9th Cir. Case No. 18-35987

Page 16

11-26-2017

'Favorite' Judy Tuohy's narrow lead shrank and then disappeared as small vote swings in several precincts shifted the early results

BY JERRY CORNFIELD
AND SCOTT NORTH
Herald Writers

EVERETT — A poll conducted by Judy Tuohy in early September showed her a couple points ahead of Cassie Franklin in what would be a very close duel for Everett mayor.

On election night, Tuohy led by a slim 49-vote margin. That seemed to reinforce the survey's findings.

After two more rounds of tallying, her lead stood at 19 with 12,557 ballots counted.

Then everything changed.

On Friday Nov. 10, another 4,266 were tallied. This mix of ballots, most of which arrived by mail or were deposited in drop boxes on Election Day, went largely Franklin's way and she moved in front by 169 votes. Her lead peaked at 199 on Nov. 13 and is at 198 ahead of Tuesday's scheduled certification of results that will make her victory official.

Franklin, the mayor-elect, has received 7,815 votes, or 44.7 percent, to Tuohy's 7,617 votes, or 43.5 percent. There have been 2,068 write-in votes, most of those presumably for Gary Watts, the registered write-in candidate.

She will succeed the retiring Mayor Ray Stephanson and become the first woman elected mayor in the city's history. She will be sworn in Jan. 3. Tuohy will continue serving on the City Council where she has two years remaining on her current term.

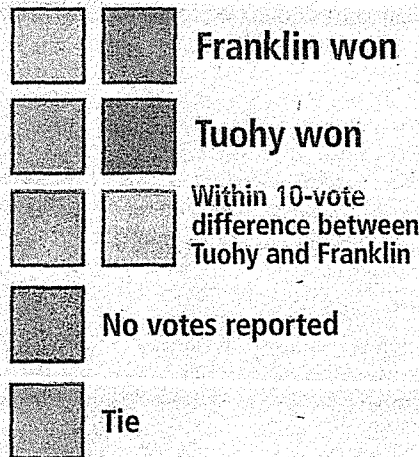
At the time she took the lead, Franklin chalked it up to her supporters' tendency to vote late. It happened in the primary, too. She trailed Tuohy in the initial tally but wound up finishing first in the four-candidate contest.

Where did the decisive votes come from? To figure out where some of the bigger vote shifts occurred in the critical Nov. 10 count, the Herald analyzed precinct results from tallies done Nov. 9 and Nov. 15.

In that period Franklin went from trailing to leading in eight precincts. Significant vote swings in a couple of them provide big chunks of her lead.

In precinct 86, an area along Holly Drive around Challenger Elementary School, Franklin was behind by five votes then went up by 23, a net gain of 28 votes. In precinct

Everett mayoral vote

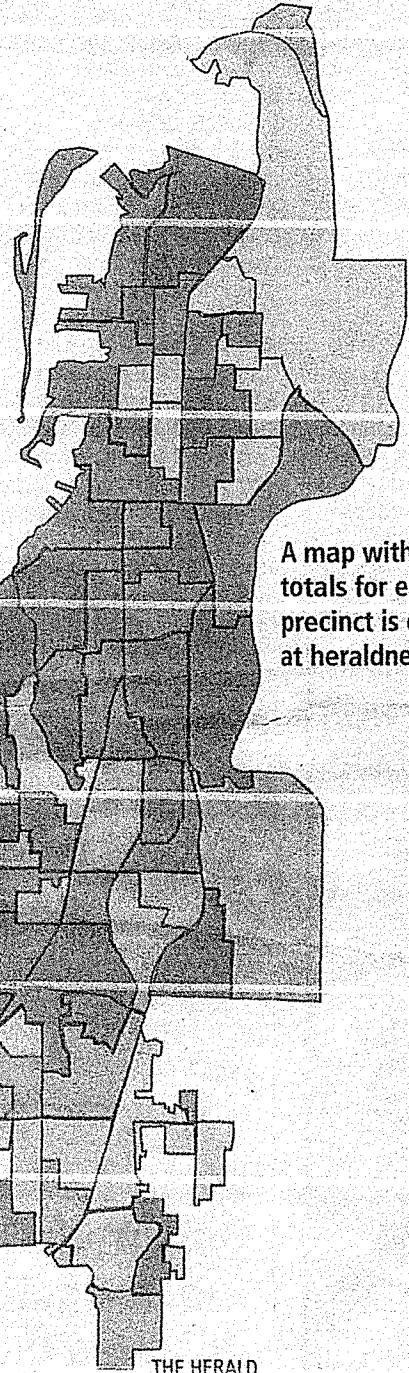


27 along Evergreen Way south of 41st Street, she turned a five-vote deficit into a 21-point advantage, a net gain of 26 votes.

There were three precincts in which the candidates were tied before the influx of votes put Franklin ahead. In one of those, precinct 18, which covers an area from Broadway to Marine View Drive between Hewitt and 25th Street, Franklin went up 16 after receiving 60 votes to Tuohy's 44.

Tuohy did pick up six precincts that had been in Franklin's column, the analysis found. Her reversal of fortunes came about with smaller votes swings.

She achieved a net gain of 10 votes in a smaller precinct, 85, around Hannabrook



A map with vote totals for each precinct is online at heraldnet.com

Park, where she turned a one-vote deficit into a nine-vote lead. In precinct 36, which is in the area of Broadway between 73rd St. SE and Madison Street, she went from trailing by eight to leading by two.

Tuohy's largest net gain, 21 votes, helped her nearly double her advantage in precinct 24 in the heart of the city. It starts at Forest

EXHIBIT

D
0

See VOTE, Page A6

Switch to the newest Yahoo Mail

Inbox Compose Contacts Notepad Calendar

Delete Reply Reply All Forward Actions Apply

Viking Ocean Cruises
Sponsored

2-for-1 Mediterranean cruises from \$1,800
Your cruise fare includes everything you need. Meals & beverages.

Thursday, June 15, 2017 3:45 PM

Fwd: contact

From: "Artspace Everett" <artspaceeverettlofts@gmail.com>

To: "Jesse and Wanda Jeter" <jessejamesjeter@yahoo.com>

Raw Message Printable View

Jesse and Wanda

Liam here -- We got an email from Judy Tuohy asking for contact info - I explained to her that it is our policy not to divulge the contact info for any tenant in order to maintain confidentiality.

She asked me to forward her request to you so that you could decide if you wanted to move the conversation forward. Please see her email below. Her reply email address is in the 'header'.

----- Forwarded message -----

From: Judy Tuohy <jtuohy@schack.org>

Date: Thu, Jun 15, 2017 at 2:20 PM

Subject: RE: contact

To: Artspace Everett <artspaceeverettlofts@gmail.com>

I wanted to see if they would like to be in a campaign flyer with me. I am hoping they support me from our conversations.

Perhaps you could forward this email to them and if they are interested they can email me back and we can work out the details.

Thanks, Judy

Judy Tuohy
Executive Director
Schack Art Center

2921 Hoyt Ave. Everett, WA 98201

Page 17

9th Cir. Case No.
18-35987

Schack Art Center shares building
with and occupies 2nd Floor of
Artspace Everett Lofts at 2917 Hoyt Ave.
Also shares mailboxes.

Exhibit "I"

To: Jesse James Jeter
RE: Fwd: contact / Jesse James Jeter

Jesse,

Thank you for getting back to me. I appreciate you considering this.

Thanks again,
Judy

Judy Tuohy
Executive Director
Schack Art Center
2921 Hoyt Ave. Everett, WA 98201
www.schack.org 425.259.5050 ext. 26

See More from Jesse James Jeter

Jesse James Jeter

To: Tuohy

Reply-To: Jesse James Jeter

Re: Fwd: contact / Jesse James Jeter

9th Cir. Case No.
18-35987

Heiko Judy,
I received this email from Liam. Because of legalities involved, we are not willing to be in a campaign flyer with you.
Sincerely,
Jesse James Jeter

On Thu, 6/15/17, Artspace Everett <artspaceeverett101ts@gmail.com> wrote:

Subject: Fwd: contact

To: "Jesse and Wanda Jeter" <jessejamesjeter@yahoo.com>
Date: Thursday, June 15, 2017, 3:45 PM

Jesse
and Wanda

Liam here -- We got an email from Judy Tuohy asking for contact info - I explained to her that it is our policy not to divulge the contact info for any tenant in order to maintain confidentiality.

She asked me to forward her request to you so that you could decide if you wanted to move the conversation forward. Please see her email below. Her reply email address is in the header.

Forwarded

message

From: Judy

Tuohy <jtuohy@schack.org>

Date: Thu, Jun 15, 2017 at 2:20 PM

Previous lawsuit was
under appeal.

Evb: "T"

June 16, 2017 at 4:50 f
Sent - Yahoo! E

9th Cir. Case No.
18-35987

Page 19

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN WASHINGTON
DISTRICT AT SEATTLE

2:17-cv-01857 JPD

WANDA E. SMITH-JETER

plaintiff (prose)

v.

ARTSPACE EVERETT LOFTS
CONDOMINIUM ASSOCIATION
and QUANTUM MANAGEMENT
SERVICES, INC.

defendants.

DECLARATION OF
JESSE JAMES JETER
IN OPPOSITION TO
DEFENDANTS ARTSPACE
EVERETT LOFTS
CONDOMINIUM ASSOCIATION
AND QUANTUM MANAGEMENT
SERVICES, INC.'S MOTION
FOR SUMMARY JUDGMENT

I, Jesse James Jeter, do declare that I am over the age of eighteen (18) and that I also have personal knowledge of the things alleged in this opposition motion; and they are true.

I am a retired artist who resides in the City of Everett, Washington. I have not had, nor do I have any friendship, nor any kind of contact or relationship with Ammah Wilson. She is someone who lives in our building and therefore might be on the elevator upon its arrival or departure, as my wife and I come and go to or from our home; or pass us on the street.

Exhibit "K"
p-1

9th Cir. Case No.
18-35987

Page 20

2:17-cv-01857 JPD

Ammah Wilson has made unnecessarily adversarial overtures toward me in the presence of my wife on several occasions.

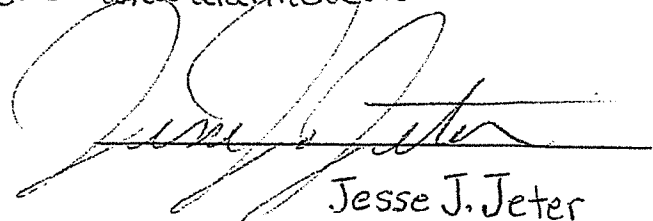
While I served on the City of Everett's Cultural Arts Commission, (see attached exhibit "A"), Ammah Wilson took the extreme measure of going onto the City of Everett's Official website to demand that I respond to her requesting the sale to her of an art print; which I had no intention of doing, because I don't have any for sale.

I don't know when the message was put on the website, but as soon as I happened to notice it there one day in 2017, I immediately contacted City Hall and they offered to remove it and I agreed.

I believe that Ammah Wilson was harassing me.

Upon seeing the title, "Die, Nigger, Die", posted next to a piece of artwork that had been in the lobby of our building, near my mailbox for several weeks; my wife and I felt threatened and alarmed. (see also "D, E, G")

November 1, 2018
Everett, WA



Jesse J. Jeter

P.O. Box 102 Everett, WA 98206 (206) 573-1058

Exhibit "K"
P-2



9th Cir. Case No.
18-35987

Page 21

OFFICE OF THE MAYOR

Ray Stephanson
Mayor

January 17, 2013

Jesse James Jeter
2917 Hoyt Ave #310
Everett, WA 98201


Dear Mr. Jeter:

On January 16, 2013, the Everett City Council concurred with my request that you be appointed to the Cultural Commission. You will fill Position 10 for a six-year term ending 12/31/2018.

I certainly appreciate your willingness to serve the community, and I am pleased to have the opportunity of appointing you to this important position. The City liaison for this board will contact you soon. In the meantime, if you have any questions, you may contact Deborah Wright at (425) 257-7102.

Again, thank you for your commitment to the City of Everett.

Sincerely,


Ray Stephanson
Mayor

c. Deborah Wright
Sharon Marks
Carol Thomas

Exhibit "K"
P-3

~~AT~~

9th Cir. Case No.
18-35987

Page 22

JESSE JAMES JETER



ARTIST NARRATIVE FOR JESSE JAMES JETER – COMMUNITY SERVICE

Over the past five decades, one of the first things that Jesse has done upon settling into a new community is to voluntarily seek out ways in which to aide in forging a stronger sense of community through artistic collaboration. IN EVERETT, WASHINGTON:

FEBRUARY 2014

Jesse recently volunteered to donate and paint a “welcoming” mural for the City of Everett’s Carl Gipson Senior Center after seeing a request on the center’s “wish list”.

DECEMBER 2013

Answering the “call-to-artists”, Jesse was chosen to paint rain barrels to be publicly displayed in a city-wide program to promote water conservation called “Let It Rain”.

In early 2013

Jesse was appointed by Everett, Washington Mayor Ray Stephanson to serve a six-year term on the City’s Cultural Arts Commission. Appointed in 2008, he was unable to serve.

JUNE 2012 through JUNE 2013 Jesse voluntarily displayed his sculpture and paintings in the lobby at Everett Artspace Lofts; prior to the lobby becoming a non-profit gallery.

AUGUST 2012 and AUGUST 2013

Jesse was asked to paint a donated piano to be displayed during Everett’s Invitation To Jam - “Street Tunes”. It was displayed and played on a sidewalk on Hoyt Ave both years.
In 2010

DWTV(DEUTSHE WELLE TV-GERMANY) featured Jesse’s life-sized sculpture of Frederick Douglass on the front porch of Jesse’s home in Columbia, SC, in it’s worldwide series called “The View Outside Your Window” from your perspective. JUNE of 2010

Jesse self-published, “JESSE JAMES JETER-A RETROSPECTIVE OF HIS ART”

In 2009 Jesse developed his public Facebook page with over 2,000 friends worldwide.

In 2008 Jesse was appointed to the newly created Snohomish County Arts Commission.

Exhibit “K”
p.4

A-2

9th Cir. Case No.
18-35987

Page 23

JESSE JAMES JETER

OCTOBER 2008 through JUNE 2012

Jesse's painting- "Morning Glory" hung at Snohomish County Administration Building.
In 2007 With neighbors from the "Longfellow Community" and city parks employees,

Jesse assisted with re-design planning for renovations to a community park.

JUNE through NOVEMBER 2005 & JUNE and JULY 2006

The Mortgage Advisory Group established a solo exhibition of Jesse's sculptures and paintings in their offices on the corner of Colby and Hewitt in downtown Everett.

Prior community involvement includes:

Richland County Library, SC Arts Commission, Benedict College, Allen University,
S C State Museum - Columbia, South Carolina; Voorhees College - Denmark, SC
Gibbes Art Gallery-Charleston, South Carolina; Claflin College - Orangeburg, S.C.
Exhibitions in Beaufort & Hilton Head, South Carolina
Carnegie Library & Turlock Journal Newspaper - Turlock, California
Christian Love Baptist Church; Stanislaus Arts Council Board of Directors-Modesto, CA
"ZULU SOCIAL AID & PLEASURE CLUB" - New Orleans, Louisiana
United Way of Greater Atlanta & Habitat for Humanity - Atlanta, Georgia
Harriet Tubman Museum - Macon, Georgia

Exhibit "K"
p-5

~~A-3~~

9th Cir. Case No.
18-35987

Page 24

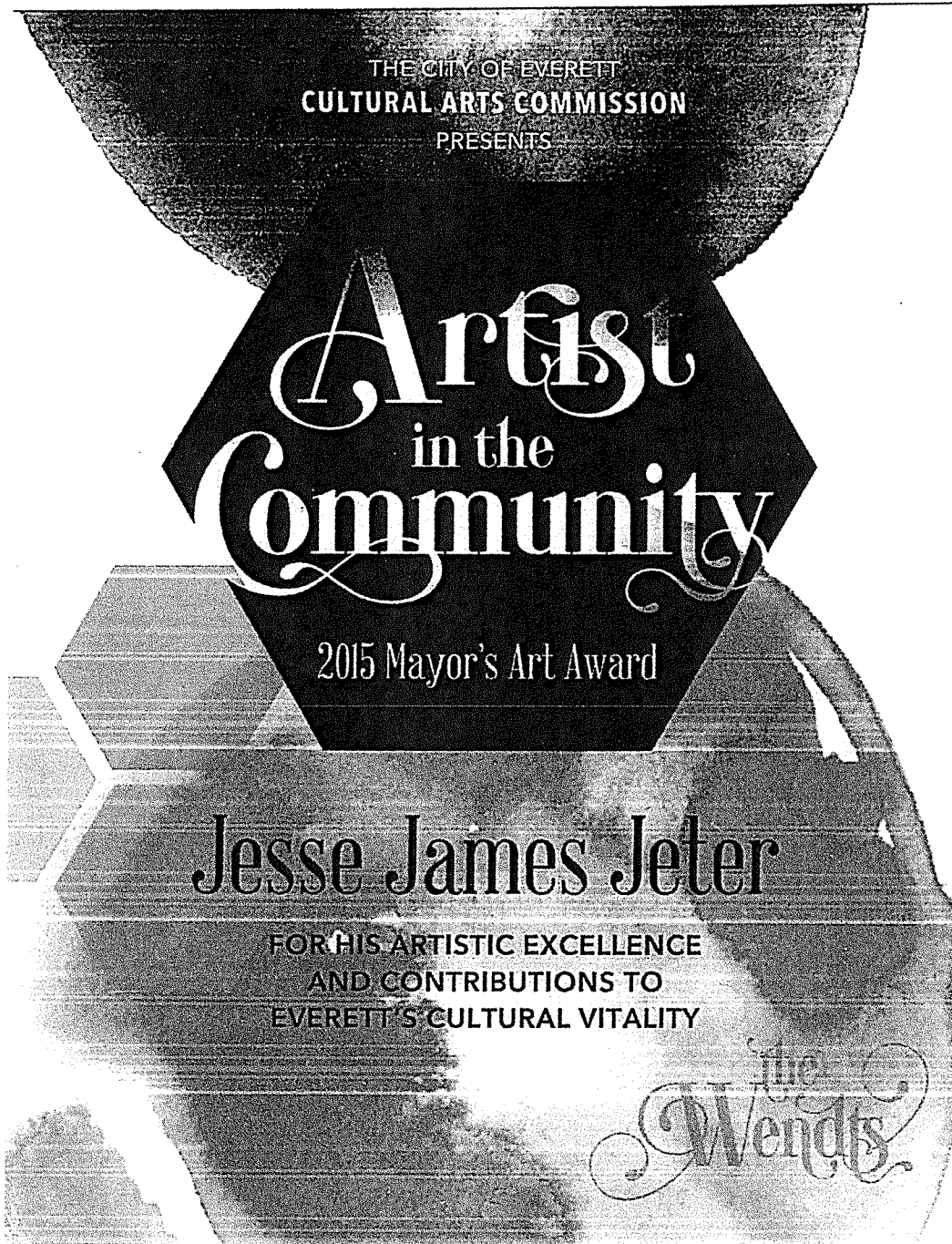


Exhibit "K"
P-6

A-4



THE UNIVERSITY OF CHICAGO PRESS

100 N. LAUREL AVENUE
CHICAGO, ILL. 60607-7090
U.S.A.

9th Cir. Case No.
18-35987

Page 25



Lobby of Artspace Everett Lofts
My mailbox # is "310"
Artwork "untitled" for several weeks
... .. ~~the~~ "K"

9th Cir. CASE No.
18-35987

Page 26

DIE, NIGGER DIE

"Die nigger die, fly nigger fly, back to black. before that was a color
reviled, called nigger to a cooked simile and wicked eye.

Before buying was a lie

When built on made of hate there were no Harakitya and none was as
constant as a heartbeat and walking was a dance."

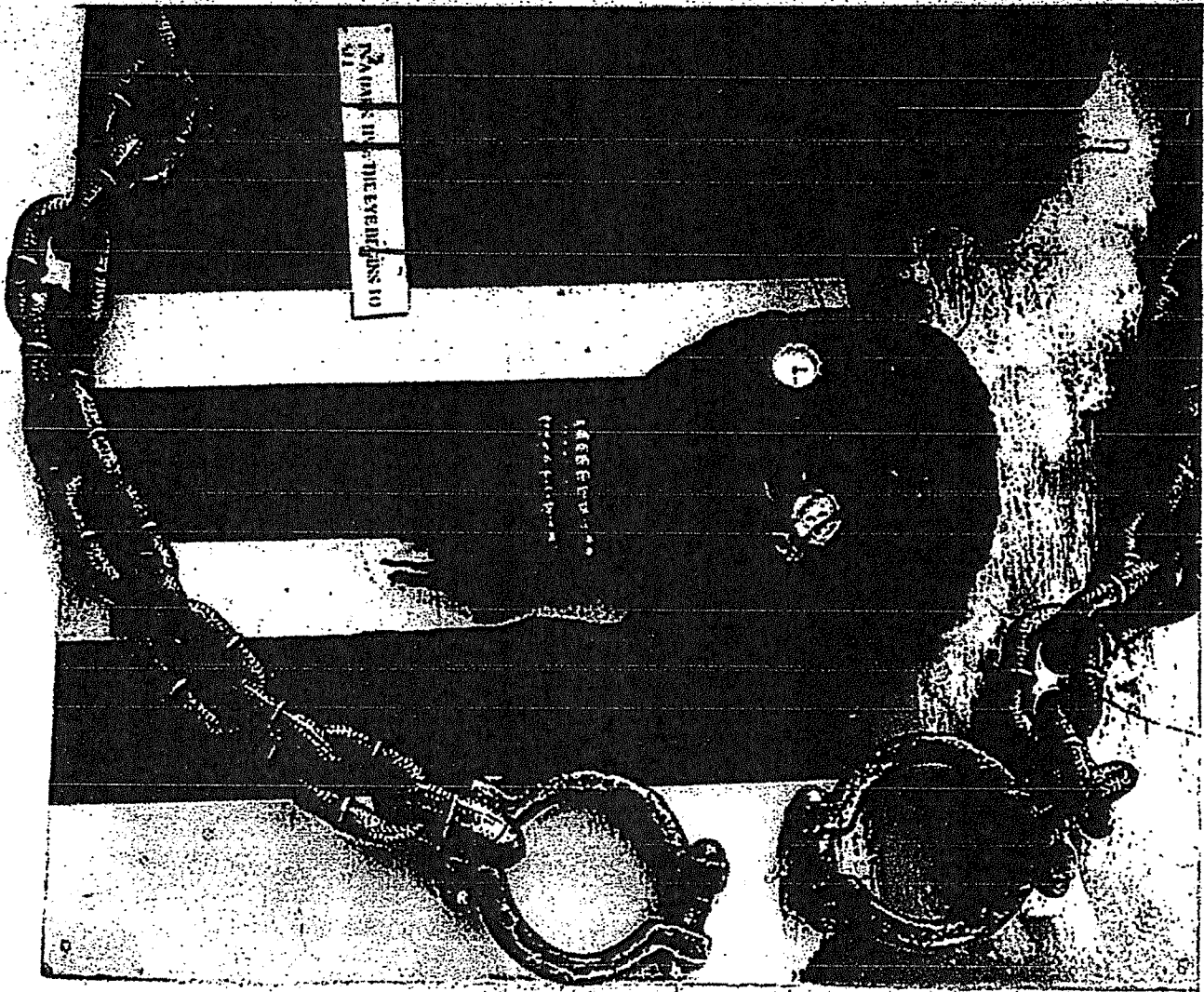
by Amarah Wilson 10/15/17

Title APPEARED within a week
of our tires being slashed

FvL'1... ~~the~~ "K"


9th Cir. Case No.
18-35987

Page 27



THE ABOVE PHOTOGRAPH IS A COPY OF THE ORIGINAL PHOTOGRAPH TAKEN BY THE FBI LABORATORY. THE ORIGINAL PHOTOGRAPH IS A COPY OF THE ORIGINAL PHOTOGRAPH TAKEN BY THE FBI LABORATORY. THE ORIGINAL PHOTOGRAPH IS A COPY OF THE ORIGINAL PHOTOGRAPH TAKEN BY THE FBI LABORATORY.

"Close-up"

Exhibit  ("K")
P-9

9th Cir. Case No.
18-35987

Page 28

Document #55

THE HONORABLE JAMES P. DONOHUE
HEARING DATE: NOVEMBER 9, 2018
ORAL ARGUMENT REQUESTED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN WASHINGTON AT SEATTLE

WANDA E. SMITH-JETER,

Plaintiff,

v.

ARTSPACE EVERETT LOFTS
CONDOMINIUM ASSOCIATION and
QUANTUM MANAGEMENT SERVICES,
INC.

Defendant.

NO. 17-CV-1857JPD

DECLARATION OF JENNIFER
MURRAY IN SUPPORT OF
DEFENDANTS ARTSPACE EVERETT
LOFTS CONDOMINIUM
ASSOCIATION AND QUANTUM
MANAGEMENT SERVICES, INC.'S
MOTION FOR SUMMARY
JUDGMENT

I, Jennifer P. Murray, hereby declare under penalty of perjury, under the laws of
the United States of America, that the following is true and correct:

1. I am one of the attorneys representing Defendants Artspace Everett Lofts
Condominium Association and Quantum Management Services, Inc. in the above-
captioned action. I am over 18 years and am competent to testify to the matters contained
herein.

DECLARATION OF JENNIFER MURRAY IN SUPPORT OF DEFENDANTS
ARTSPACE EVERETT LOFTS CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT SERVICES, INC.'S MOTION FOR SUMMARY
JUDGMENT - 1

MURRAY DUNHAM & MURRAY
Attorneys at Law
200 West Thomas, Ste. 350
Post Office Box 9844
Seattle, WA 98109-0844
(206) 622-2655; Fax: (206) 684-6924

Exhibit "L"

9th Cir. Case No.
18-35987

Page 29

2. Attached hereto as *Exhibit 1* is a true and correct copy of this Court's Order Granting Defendant's Motion for Summary Judgment and Motion to Strike in the 2014 lawsuit, Cause No. C14-1584-JPD.

3. Attached hereto as *Exhibit 2* is a true and correct copy of the United States Court of Appeals Memorandum entered in Cause No. 16-35196 on April 24, 2017.

4. Attached hereto as *Exhibit 3* is a true and correct copy of the letter from Scott Harris, Clerk of the Supreme Court of the United States notifying that the Court denied Plaintiff's Petition for Writ of Certiorari.

5. Attached hereto as *Exhibit 4* is a true and correct copy of the Declaration of Cindy Huang in Support of Defendant's Motion for Summary Judgment in the 2014 lawsuit, Cause No. C14-1584-JPD

Dated at Seattle, Washington this the 16th day of October, 2018.



Jennifer P. Murray, Declarant

DECLARATION OF JENNIFER MURRAY IN SUPPORT OF DEFENDANT'S
ARTSPACE EVERETT LOFTS CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT SERVICES, INC.'S MOTION FOR SUMMARY
JUDGMENT - 2

MURRAY DUNHAM & MURRAY
Attorneys at Law
200 West Thomas, Ste. 350
Post Office Box 9844
Seattle, WA 98109-0844
(206) 622-2655; Fax: (206) 684-6924

Exhibit "L"
p-2

9th Cir. Case No.
18-35987

Page 30

EXHIBIT 4

Exhibit "L"
P-3

9th Cir. Case No.
18-35987

Page 31

FILED

18-4112

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

WANDA E. SMITH-JETER,
Plaintiff,

No. C14-1584

vs.

ARTSPACE EVERETT LOFTS
CONDOMINIUM ASSOCIATION
Defendant

DECLARATION OF CINDY HUANG IN
SUPPORT OF DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

I, Cindy Huang, do hereby swear under penalty of perjury under the laws of the State of Washington that the following is true and correct.

I am Portfolio Manager of Quantum Management Services, Inc., which is the property management company for ArtSpace Everett Lofts. ArtSpace Everett Lofts is one of the apartment communities that is in my portfolio, and that I manage. I do not work on-site, but am the regional manager for this and several other properties. I only met the Plaintiff during this lawsuit, but am quite familiar with the workings of ArtSpace Everett Lofts.

DECLARATION OF CINDY HUANG IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT - I

PUCKETT & REDFORD, PLLC
901 Fifth Avenue, Suite 800
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 386-4800
FAX: (206) 333-8166

Exhibit "L"
p-4

9th Cir. Case No.
18-35987

Page 32

1 ArtSpace Everett Lofts contains 40 live/work affordable housing units which are set aside for
2 working artists. ArtSpace Everett Lofts is not a condominium, but rather multifamily affordable
3 housing.

4 The property is split into two entities: Artspace Residential and Schack Arts Center which was
5 purchased and is owned by Schack. The State of Washington wraps a condo over these two entities to
6 address shared expenses such as exterior lighting, landscaping, etc. The board as it sits is comprised of
7 a representative from Artspace and a representative from Schack. The 'board' meets annually to
8 review and adopt the annual budget and discuss any issues pending/up-coming in the coming year.

9 In terms of the rents for the tenants, the community is a participant in the Washington State Tax
10 Credit Program, which is administered by the Washington State Housing Finance Commission. Under
11 the program, the owner agrees to cap the rents at a certain level in exchange for income tax credits.
12 Unlike the HUD Section 8 program, there is no rent voucher, no tenant portion of the rent and
13 government portion of the rent. Whatever the rent is set at, the resident is responsible for payment of
14 100% of that amount on a monthly basis. In addition, under the tax credit program, the residents are
15 required to annually recertify their income to determine if they still qualify for living in tax credit
16 housing.

17 The website of Everett Artspace Lofts sets out the information about the tax credit program that
18 it is a participant of, and did so in 2012 when the Plaintiff first applied for tenancy. That information
19 on the website includes (please note this is current information):

20 Rents \$793.00 - \$1149.00

21 AEL is an income restricted project. To qualify for housing your income must be below the following categories. Half the
22 units are for artists earning less than 50% of area median income and half are for artists learning less than 60% of
23 area median income.

24
25
26 DECLARATION OF CINDY HUANG IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT - 2

PUCKETT & REDFORD, PLLC
901 Fifth Avenue, Suite 800
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 386-4800
FAX: (206) 733-8166

Exhibit "L"
P-5

9th Cir. Case No.
18-35987

Page 33

WSHFC/COM Limits	1 Person	2 Person	3 Person	4 Person	5 Person
@ 60%	37,080	42,360	47,640	52,920	57,180

WSHFC/COM Limits	1 Person	2 Person	3 Person	4 Person	5 Person
@ 50%	30,900	35,300	39,700	44,100	47,650

Anyone may apply for residency in our project and we will accept applications from anyone. Artspace Everett Lofts and Artspace Projects are committed to attracting creative individuals and families from diverse artistic and cultural backgrounds.

All of the units at ArtSpace Everett Lofts are governed by the tax credit program, so the rents are all set by the State. None of the tenants have rents that are determined by their individual incomes. Unless the tenant is also a voucher holder under the Section 8 program, there are no subsidies provided to the tenants for their rent. The management has no control over whether or not an individual tenant applies for or obtains a Section 8 voucher.

The Plaintiff and her husband were treated exactly the same as all of the other tenants at ArtSpace Everett Lofts, and in fact, if there was any difference in the treatment of them by the management, it was to go overboard to try and get them as tenants, and to try and keep them as tenants when they were having financial issues.

I am not aware of any instances where there have been complaints of any type of discrimination by the on-site management toward any of the tenants at ArtSpace Everett Lofts until the Plaintiff raised those claims in this suit. Her claims are a complete surprise to me and to Quantum Management—up to the receipt of this suit, the management has had no indication that the Plaintiff was not happy living at ArtSpace Everett Lofts, or had any ill feelings toward the management. Whatever her feelings are toward other residents, the management cannot do anything about those feelings, especially if they are not informed of any issues that the Plaintiff has with those other tenants. When they are informed of

DECLARATION OF CINDY HUANG IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT - 3

PUCKETT & REDFORD, PLLC
901 Fifth Avenue, Suite 800
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 386-4800
FAX: (206) 733-8166

Exhibit "Z"
P-6

9th Cir. Case No.
18-35987

Page 34

1 problems with other residents, then they will take whatever action is appropriate and legal, such as the
2 case with KellyAnn Martin.

3 I am not aware of any claims of discrimination by the management, and cannot believe that they
4 would do any action like the Plaintiff is complaining about, and the Plaintiff has not offered any proof
5 of any of her claims, or that they are related in any way to her race or disability.

6
7
8 DATED: 1/4/2016
At: Everett, WA

Cindy Huang
Cindy Huang

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 DECLARATION OF CINDY HUANG IN SUPPORT
OF DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT - 4

PUCKETT & REDFORD, PLLC
901 Fifth Avenue, Suite 800
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 386-4800
FAX: (206) 733-8166

EXhibit "L"
p-7

9th Cir. Case No.
18-35987

Page 35

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the United States that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

Ms. Wanda Smith-Jeter
Post Office Box 102
Everett, WA 98206-0102

Pro Se Plaintiff

☐ Via Messenger
☒ Via Email
☐ Via Facsimile
☒ Via U.S. Mail
☐ Via CM/ECF

DATED this 16th day of October, 2018.

Tammy Bolte

Tammy L. Bolte, Paralegal

DECLARATION OF JENNIFER MURRAY IN SUPPORT OF DEFENDANTS
ARTSPACE EVERETT LOFTS CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT SERVICES, INC.'S MOTION FOR SUMMARY
JUDGMENT - 3

MURRAY DUNHAM & MURRAY
Attorneys at Law
200 West Thomas, Ste. 350
Post Office Box 9844
Seattle, WA 98109-0844
(206) 622-2655; Fax: (206) 684-6924

Exhibit "L"

9th Cir. Case No.
18-35987

Page 36

THE HONORABLE JAMES P. DONOHUE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN WASHINGTON AT SEATTLE

WANDA E. SMITH-JETER,

Plaintiff,

v.

ARTSPACE EVERETT LOFTS
CONDOMINIUM ASSOCIATION and
QUANTUM MANAGEMENT SERVICES,
INC.

Defendant.

NO. 17-CV-1857JPD

DECLARATION OF CINDY HUANG
IN SUPPORT OF DEFENDANTS
ARTSPACE EVERETT LOFTS
CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT
SERVICES, INC.'S REPLY IN
SUPPORT OF THEIR
MOTION FOR SUMMARY
JUDGMENT

I, Cindy Huang, hereby declare under penalty of perjury, under the laws of the
United States of America, that the following is true and correct:

1. I am an employee of Quantum Management Services, Inc., which is the
property management company for Artspace Everett Lofts. I am a Portfolio Manager,
and at the time of the incident, Artspace Everett Lofts was one of the apartment
communities that I managed. I did not work on-site, but was the regional manager for

DECLARATION OF CINDY HUANG IN SUPPORT OF DEFENDANTS
ARTSPACE EVERETT LOFTS CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT SERVICES, INC.'S REPLY IN SUPPORT OF
THEIR MOTION FOR SUMMARY JUDGMENT - 1

MURRAY DUNHAM & MURRAY
Attorneys at Law
200 West Thomas, Ste. 350
Post Office Box 9844
Seattle, WA 98109-0844
(206) 622-2655; Fax: (206) 684-6924

Exhibit "M"

P-1

9th Cir. Case No.
18-35987

Page 37

1 this and several other properties. I am very familiar with the workings of Artspace
2 Everett Lofts and Quantum Management Services, Inc.

3 2. Artspace Everett Lofts contains 40 live/work affordable housing units,
4 which are set aside for working artists. Artspace Everett Lofts are not condominiums,
5 but rather multifamily affordable housing units.
6

7 3. The building that houses Artspace Everett Lofts is split into two
8 "condominiums": One is Artspace Residential, and the other is Schack Art Center. The
9 Schack Art Center "condominium" is owned by Schack.

10 4. Ms. Judy Tuohy is not an employee, representative, or agent of Defendants
11 Artspace Everett Lofts Condominium Association nor Quantum Management Services,
12 Inc. Ms. Tuohy is the Executive Director of The Schack Art Center.
13

14 5. Other than owning and occupying a separate "condominium" in the same
15 building as Artspace Everett Lofts, The Schack Art Center has nothing to do with the
16 daily operation, management or control of Artspace Everett Lofts or Quantum
17 Management.
18

19 6. The Schack Art Center is a completely separate entity from both Defendants
20 Artspace Everett Lofts and Quantum Management Services, Inc.

21 7. Neither Defendants Artspace nor Quantum have any ownership,
22 management or control of Schack Art Center or its employees.

23 8. The Schack Art Center is essentially a "neighbor" of Artspace Everett Lofts.
24

25 DECLARATION OF CINDY HUANG IN SUPPORT OF DEFENDANTS
ARTSPACE EVERETT LOFTS CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT SERVICES, INC.'S REPLY IN SUPPORT OF
THEIR MOTION FOR SUMMARY JUDGMENT - 2

MURRAY DUNHAM & MURRAY
Attorneys at Law
200 West Thomas, Ste. 350
Post Office Box 9844
Seattle, WA 98109-0844
(206) 622-2655; Fax: (206) 684-6924


Exhibit "M"

9th Cir. Case No.
18-35987

Page 38

Other than sharing a wall and some common space exterior and building expenses, and maybe a common purpose to propel and share the arts, Schack Art Center has nothing to do with Artspace Everett Lofts or Quantum Management Services, Inc.

Dated at Everett, Washington this the 9th day of November, 2018.


Cindy Huang, Declarant

DECLARATION OF CINDY HUANG IN SUPPORT OF DEFENDANTS
ARTSPACE EVERETT LOFTS CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT SERVICES, INC.'S REPLY IN SUPPORT OF
THEIR MOTION FOR SUMMARY JUDGMENT - 3

MURRAY DUNHAM & MURRAY
Attorneys at Law
200 West Thomas, Ste. 350
Post Office Box 9844
Seattle, WA 98109-0844
(206) 622-2655; Fax: (206) 684-6924

Exhibit "M"
P-3

9th Cir. Case No.
18-35987

Page 39

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the United States that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

Ms. Wanda Smith-Jeter
Post Office Box 102
Everett, WA 98206-0102

Pro Se Plaintiff

☐ Via Messenger
☒ Via Email
☐ Via Facsimile
☒ Via U.S. Mail
☐ Via CM/ECF

DATED this 9th day of November, 2018.

Tammy Bolte

Tammy L. Bolte, Paralegal

DECLARATION OF CINDY HUANG IN SUPPORT OF DEFENDANTS
ARTSPACE EVERETT LOFTS CONDOMINIUM ASSOCIATION AND
QUANTUM MANAGEMENT SERVICES, INC.'S REPLY IN SUPPORT OF
THEIR MOTION FOR SUMMARY JUDGMENT - 4

MURRAY DUNHAM & MURRAY
Attorneys at Law
200 West Thomas, Ste. 350
Post Office Box 9844
Seattle, WA 98109-0844
(206) 622-2655; Fax: (206) 684-6924

Exhibit "M"
P-4

UNITED STATES DISTRICT COURT
for the 2:17-cv-01857-JPD
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

WANDA E. SMITH-JETER
(Plaintiff) (pro se)

v.

ARTSPACE EVERETT LOFTS
CONDOMINIUM ASSOCIATION
(DEFENDANT.)

PLAINTIFF'S
AMENDED
COMPLAINT

As the court documents mailed to my home address by this court (DKT.#17) were returned to the court, I am hereby amending my complaint to include the following as my CONTACT information:

WANDA E. SMITH-JETER (206) 573-1058

P.O. Box 102

email: jessejamesjeter@yahoo.com

Everett, WA 98206

Additionally, the attached exhibits ("D"-"K"), support my claims in this case, which involve "hate speech," "intimidation" and "racial terrorism."

Exhibits:

D.-Lobby of Artspace Everett Lofts. My mailbox# is "310".

Artwork was "untitled" for several weeks.

E.-Title appeared within a week of our tires being slashed.

Exhibit "R"

9th Cir. Case No.
18-35987

Page 41

2:17-cv-01857-JPD

F. As appeared on wall (to scale).

G. "Close-up"

H. Downloaded from ArtsPACE Everett Lofts' artists' website.

* I. Schack Art Center shares building with and occupies 2nd floor of ArtsPACE Everett Lofts at 2917 Hoyt ave in Everett, WA. They also share an outgoing mailbox. During her campaign for "Mayor-City of Everett", according to the Everett Herald newspaper, Judy Tuohy says that she raised the funds to build "Artspace Everett Lofts" and the "Schack Art Center."

J. A previous lawsuit by plaintiff, against ArtsPACE Everett Lofts Condominium Association was still under appeal.

K. See case #s, 2:04-cv-00939-JCC and 2:04-cv-01931-MAT, "Smith-Jeter vs. Housing Hope"

April 9, 2018 Wanda E. Smith-Jeter P.O. Box 102 Everett, WA
Everett, WA WANDA E. Smith-Jeter (206) 573-1058 98206

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April, 2018, a copy of the foregoing: "PLAINTIFF'S AMENDED COMPLAINT" was mailed

Postage paid to: William W. Spencer

MURRAY DUNHAM: MURRAY
200 West Thomas, ste 350

Post Office Box 9844
Seattle, WA 98109-844

Wanda E. Smith-Jeter
WANDA E. Smith-Jeter
P.O. Box 102 Everett, WA 98206

April 10, 2018
Everett, WA

(206) 573-1058

Exhibit "R"
P-2

9th Cir. Case No.
18-35987

Page 42

UNITED STATES DISTRICT COURT
for the 2:17-cv-01857-JPD
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

WANDA E. SMITH-JETER
(Plaintiff) (Pro Se)

v.

ARTSPACE EVERETT LOFTS
CONDOMINIUM ASSOCIATION
(Defendant.)

PLAINTIFF'S
AMENDED
COMPLAINT

As the court documents mailed to my home address by this court (DKT.#17) were returned to the court, I am hereby amending my complaint to include the following as my contact information:

WANDA E. SMITH-JETER (206) 573-1058

P.O. Box 102

email: jessejamesjeter@yahoo.com

Everett, WA 98206

Additionally, the attached exhibits ("D"-"K"), support my claims in this case, which involve "hate speech," "intimidation" and "racial terrorism."

Exhibits:

D.-Lobby of Artspace Everett Lofts. My mailbox# is "310".

Artwork was "untitled" for several weeks.

Exhibit

E.-Title appeared within a week of our tires being slashed. "R"

P-3

2:17-cv-01857-JPD

F. As appeared on wall (to scale).

G. "Close-up"

H. Downloaded from ArtsPACE Everett Lofts' artists' website.

I. Schack Art Center shares building with and occupies 2nd floor of ArtsPACE Everett Lofts at 2917 Hoyt ave in Everett, WA.

They also share an outgoing mailbox. During her campaign for "Mayor-City of Everett", according to the Everett Herald newspaper, Judy Tuohy says that she raised the funds to build "Artspace Everett Lofts" and the "Schack Art Center."

J. A previous lawsuit by plaintiff, against ArtsPACE Everett Lofts Condominium Association was still under appeal.

K. See case #s, 2:04-cv-00939-JCC and 2:04-cv-01931-MAT,

"Smith-Jeter vs. Housing Hope"

April 9, 2018

Everett, WA

Wanda E. Smith-Jeter

WANDA E. Smith-Jeter

P.O. Box 102 Everett, WA

(206) 573-1058

98206

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April, 2018, a copy of the foregoing: "PLAINTIFF'S AMENDED COMPLAINT" was mailed

Postage paid to: William W. Spencer

Wanda E. Smith-Jeter

MURRAY DUNHAM: MURRAY

WANDA E. Smith-Jeter

200 West Thomas, ste 350

P.O. Box 102 Everett, WA 98206

Post Office Box 9844

April 10, 2018

(206) 573-1058

Seattle, WA 98109-844

Everett, WA

Exhibit "R"

P-4

9th Cir. Case No. 18-35987 Page 44

THE HONORABLE JAMES P. DONOHUE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

WANDA E. SMITH-JETER and JESSE
JAMES JETER,

Plaintiffs,

v.

ARTSPACE EVERETT CONDOMINIUM
ASSOCIATION and QUANTUM
MANAGEMENT SERVICES, INC.,

Defendants.

No. C17-1857-JPD

SECOND AMENDED COMPLAINT

I. PARTIES

1. Plaintiff Wanda E. Smith-Jeter is an individual and resident of Snohomish County, Washington. Ms. Smith-Jeter lives in a unit in the ArtSpace Everett Lofts.

2. Plaintiff Jesse James Jeter is an individual and resident of Snohomish County, Washington. Mr. Jeter lives in a unit in the ArtSpace Everett Lofts.

3. Defendant ArtSpace Everett Condominium Association is a condominium association made up of a board of representatives from the ArtSpace Everett Lofts and an adjacent property, Schack Arts Center.

4. Defendant Quantum Management Services, Inc. ("Quantum") is a Washington company based in Lynnwood, Washington. Quantum is the property management company for

SECOND AMENDED COMPLAINT
(Case No. 17-cv-1857) - 1

Exhibit "T"
P-1

9th Cir. Case No.
18-35987

Page 45

1 ArtSpace Everett Lofts. Cindy Huang, Heidi Heimarck, and William Cole are employees of
2 Quantum.

3 **II. JURISDICTION AND VENUE**

4 5. Jurisdiction is proper in this Court under 28 U.S.C. § 1331 (federal question).

5 6. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2) because all
6 Defendants are residents of the State of Washington and the events giving rise to the claim
7 occurred in this District.

8 **III. FACTS**

9 7. ArtSpace Everett Lofts receives tax credits under the federal Low-Income
10 Housing Tax Credit program. As such, ArtSpace Everett Lofts is subject to the Fair Housing
11 Act.

12 8. Ms. Smith-Jeter has resided with her husband, Mr. Jeter, in ArtSpace Everett
13 Lofts since June 2012.

14 9. Ms. Smith-Jeter and Mr. Jeter are both African-American.

15 10. Ms. Smith-Jeter and Mr. Jeter both have disabilities.

16 11. Ms. Smith-Jeter and Mr. Jeter are members of protected classes under the Fair
17 Housing Act.

18 12. Ms. Heimarck and Mr. Cole are Caucasian.

19 13. Ms. Smith-Jeter and Mr. Jeter are both artists and community activists.

20 14. Ms. Smith-Jeter and Mr. Jeter are both over 60-years old and on a limited budget.

21 15. The Jeters have complained to Quantum - including via oral and written
22 complaints to Ms. Heimarck and Mr. Cole, about their housing rights and the discrimination,
23 harassment, and intimidation they have experienced due to their race during their tenancy at
24 ArtSpace Everett Lofts.

25 16. Since moving into ArtSpace Everett Lofts, Ms. Smith-Jeter and Mr. Jeter have
26 been subject to stalking, physical and emotional intimidation, harassment, and hate speech on the

9th Cir. Case No.
18-35987

Page 46

1 basis of, at a minimum, their race. Such incidents amount to an attempt to harass the Jeters to
2 such an extreme that they will vacate their unit. Such incidents include:

3 a. **Vandalism.** The Jeters paid for intermittent parking in ArtSpace Everett
4 Lofts. On information and belief the garage is operated and managed by
5 Quantum. Paid parking allowed the Jeters to access private parking in the
6 locked garage beneath the building. Between 2012 - 2014, the Jeters'
7 vehicle was repeatedly vandalized. On just one day, someone unplugged
8 the back-up camera to the Jeters' vehicle two different times. In October
9 2017, when the vehicle was parked in the rented space that was provided
10 outside the garage, three (3) of the tires on the Jeters' vehicle were
11 flattened at the same time by punctures.

12 b. **Harassment, Intimidation, and Retaliation.** In October 2017, a piece of
13 artwork was placed in the lobby entrance to ArtSpace Everett Lofts. The
14 artwork hung a few feet from the Jeters' mailboxes. The title of the
15 artwork was "DIE NIGGER DIE." Given the historic use of the word
16 "nigger" as a derogatory term, the Jeters felt intimidated and harassed by
17 Defendants' actions displaying the piece. There is no legitimate, non-
18 discriminatory basis for Defendants' actions displaying the piece.

19
20 In approximately Summer 2014, the Jeters were in the lobby of the
21 building. One of the property managers of ArtSpace Everett Lofts,
22 William Cole, was present with a dog, a large pit bull. Mr. Cole unleashed
23 the pit bull when he saw the Jeters and later laughed at the fear he caused
24 the Jeters. Given the historic nature of dogs being used by law
25 enforcement against individuals, the Jeters perceived Mr. Cole's actions to
26 be an attempt to intimidate them.

9th Cir. Case No.
18-35987

Page 47

1
2 In late 2013 or early 2014, one of the property managers of ArtSpace
3 Everett Lofts, Heidi Heimarck, blocked the Jeters from driving their van
4 out of their paid parking in the building garage. Ms. Heimarck had
5 previously complained to the Jeters that she felt their vehicle “smoked too
6 much,” despite the fact that the vehicle was licensed and in compliance
7 with all required state emission standards. On one occasion, Ms.
8 Heimarck backed her car behind the Jeters’ vehicle and blocked them
9 from moving. Ms. Heimarck directed the Jeters to wait, telling them she
10 was going to have the other property manager, Mr. Cole, inspect the
11 Jeters’ vehicle. The Jeters were stuck. Ms. Heimarck refused to move her
12 car out of the way, and left the Jeters barricaded in the garage. The Jeters
13 felt harassed and intimidated by Ms. Heimarck’s actions.

14
15 On two occasions when Ms. Smith-Jeter was returning from outings, she
16 found a rope tied into the shape of a noose stretched out in the hallway by
17 the door to her unit. To enter her unit, Ms. Smith-Jeter had to step across
18 the noose or step around it. Given the historic nature of a noose and the
19 fact that Ms. Smith-Jeter and Mr. Jeter are African American, the noose
20 was plainly placed on the ground outside Ms. Smith-Jeter’s unit in an
21 attempt to harass and intimidate her and Mr. Jeter. Defendants failed to
22 take action to address the harassment and intimidation in the building.

23
24 On information and belief, Ms. Heimarck and Mr. Cole asked another
25 tenant of ArtSpace Everett Lofts to help them get the Jeters to move out of
26 ArtSpace Everett Lofts.

Exhibit “T”
P-4

SECOND AMENDED COMPLAINT
(Case No. 17-cv-1857) - 4

9th Cir. Case No.
18-35987

17. By, among other things, permitting display of offensive and intimidating artwork depicting "DIE NIGGER DIE" next to Plaintiffs' mailboxes, and by targeting Plaintiffs with actions to intimidate them, Defendants acted with discriminatory motive based on Plaintiffs' race.

18. Ms. Smith-Jeter and Mr. Jeter have suffered emotional distress as a result of Defendants' actions.

19. Ms. Smith-Jeter and Mr. Jeter have been unable to peacefully reside at ArtSpace Everett Lofts as a result of Defendants' actions. Ms. Smith-Jeter and Mr. Jeter live in a state of fear and concern for their well-being.

20. Ms. Smith-Jeter and Mr. Jeter have experienced deterioration of their respective physical health as a result of Defendants' actions.

IV. CAUSES OF ACTION

FIRST CLAIM: VIOLATION OF FAIR HOUSING ACT RETALIATION

21. Plaintiffs incorporate by reference all preceding paragraphs.

22. Under 42 U.S.C. § 3617, the Fair Housing Act ("FHA") protects individuals from certain types of retaliatory conduct by making it "unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of enjoyment of" his/her housing rights under the FHA.

23. The Jeters engaged in protected activity under the FHA by, among other things, filing informal complaints to property management regarding race discrimination.

24. The federal Department of Housing and Urban Development identifies five non-exclusive examples of the type of conduct prohibited under Section 3617, including "[t]hreatening, intimidating or interfering with persons in their enjoyment of a dwelling because of the race, color, religion, sex, handicap, familial status, or national origin of such persons, or of visitors or associates of such persons."

Exhibit "T"
p-5

9th Cir. Case No.
18-35987

25. Defendants subjected the Jeters to adverse action including, without limitation, harassment, vandalism, and intimidation. The Jeters complained about the harassment, vandalism, and intimidation they experienced during their tenancy at ArtSpace Everett Lofts.

26. Defendants failed to take appropriate action to address the actions against the Jeters.

**SECOND CLAIM: MALICIOUS HARASSMENT IN
VIOLATION OF RCW 9A.36.083**

27. Plaintiffs incorporate by reference all preceding paragraphs.

28. Under RCW 9A.36.083, an individual who is the victim of malicious harassment has private right of action.

29. Plaintiffs suffered injury as a result of Defendants' actions, including emotional distress, deterioration of physical health, and an inability to enjoy their residence. On information and belief, Defendants' actions were racially motivated.

V. PRAYER FOR RELIEF

WHEREFORE Plaintiffs request judgment and seek relief as follows:

- A. Damages in an amount to be proven at trial;
- B. Attorneys' fees and costs; and
- C. Other relief as the Court deems just and proper.

DATED: June 15, 2018.

STOEL RIVES LLP

/s/ Vanessa Power

Vanessa Soriano Power, WSBA No. 30777

vanessa.power@stoel.com

STOEL RIVES LLP

600 University Street, Suite 3600

Seattle, WA 98101

Telephone: 206.624.0900

Attorneys for Plaintiffs

9th Cir. Case No.
18-35987

Page 50

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2018 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **William Walter Spencer**
william@murraydunham.com, tammy@murraydunham.com

DATED: June 15, 2018

STOEL RIVES LLP

List of Exhibits (original)

/s/ Vanessa Power
Vanessa Soriano Power, WSBA No. 30777

STOEL RIVES LLP
600 University Street, Suite 3600
Seattle, WA 98101
Telephone: 206.624.0900
Facsimile: 206.386.7500

Attorneys for Plaintiff

A-Quantum/Cindy Huang "e-mail"

B-(2pgs) flattened tires (October 2017)

C-Quantum/Cindy Huang "e-mail" (photo)

D-Herald Newspaper article [11-26-2017]
(Judy Touhy Mayor's Race/City Council Service)

E-Liam Cole/Judy Touhy "e-mail" +
(Schack/ARTSPACE building "co-occupancy")

F-Jeter's response to "Cole/Touhy 'e-mail'"
(former case was still under 9th Cir. Appeal)

G-(9pgs) Declaration of Jesse James Jeter, opposing summary judgement

H-(8pgs) Declaration of Jennifer Murray (contains 1st Cindy Huang declaration)

I-(4pgs) 2nd Declaration of Cindy Huang

J-(4pgs) PLAINTIFF'S AMENDED COMPLAINT
(see item #I.-re: Touhy/ARTSPACE Relationship)

K-(7pgs) Second Amended Complaint

SECOND AMENDED COMPLAINT
(Case No. 17-cv-1857) - 7

Exhibit "T"
p-7